

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BYRON QUINN-WINNE v. COMMONWEALTH OF PENNSYLVANIA et al.	CIVIL ACTION NO. 20-2493
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ORDER RE: DEFENDANTS' MOTION TO DISMISS

AND NOW, on this 14th day of March, 2022, for the reasons stated in the foregoing Memorandum and after careful consideration of Defendants Commonwealth of Pennsylvania, State Trooper Christopher F. Tustin, and State Police Commissioner Robert Evanchick's Motion to Dismiss (ECF 20) and Plaintiff Byron Quinn-Winne's Response (ECF 11), it is hereby **ORDERED** that the Motion is **GRANTED** in part.

1. Count II of the Complaint is **DISMISSED** with prejudice as to Defendant Commonwealth of Pennsylvania.
2. Counts II and III of the Complaint are **DISMISSED** without prejudice as to Defendants Commissioner Evanchick and Trooper Tustin, and with leave to amend within fourteen (14) days.

BY THE COURT:

/s/ **MICHAEL M. BAYLSON**

MICHAEL M. BAYLSON, U.S.D.J.